

No. 4410-4Lab-73/17984.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workman and the management of M/s. Shankar Textile Mills, Plot No. 112, Sector-6, Faridabad.

**BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 78 of 1972

between

**SHRI CHANDER PATI SINGH WORKMAN AND THE MANAGEMENT OF M/S SHANKAR
TEXTILE MILLS, PLOT NO. 112, SECTOR-6, FARIDABAD**

Present—

Shri Chaman Lal Oberoi, for the workman

Shri H. R. Dua, for the management.

AWARD

The following dispute between the management of M/s. Shankar Textile Mills, Plot No. 112, Sector 6, Faridabad and its workman Shri Chander Pati Singh was referred for adjudication to this Tribunal by order No. ID/FD/72/40581, dated 13th November, 1972 of the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Chanderpati Singh was justified and in order ? if not, to what relief is he entitled?

Usual notices were given to the parties and their authorised representatives has appeared. According to their statements the factory has since been closed and there is now no dispute left between the parties. Shri Chaman Lal Oberoi, Secretary, Textile Mazoor Union Registered, N.I.T., Faridabad through whom the demand notice leading to the present reference had been made has stated that he has no instruction from the workman concerned to proceed with the reference.

In view of the above a no dispute award is made. There shall be no order as to costs.

Dated the 19th April, 1973.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad.

No. 431, dated the 19th April, 1973

Forwarded (four copies) to the Secretary to the Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 19th April, 1973

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad.

No. 4442-4Lab-73/17991.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act. No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s. Haryana Steel Tubes, 15/2, Mathura Road, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 95 of 1971

between

THE WORKMEN AND THE MANAGEMENT OF M/S HARYANA STEEL TUBES.
15/2, MATHURA ROAD, FARIDABAD

Present :—

Shri Chaman Lal Oberoi, for the workmen.

Shri H. R. Dua, for the management.

AWARD

The workers of M/s Haryana Steel Tubes, 15/2, Mathura Road, Faridabad, raised demands for bonus for the year 1970-71 and fixation of grades which were not conceded to by the management. On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred to above dispute for adjudication to this Tribunal,—*vide* order No. ID/FD/671-A-71/31732, dated 27th October, 1971, with the following terms of reference.

- (1) Whether the management should pay bonus to the workmen for the year 1970-71 ? If so, with what details ?
- (2) Whether the management should fix grades and scales of pay for the workmen ? If so, with what details ?

Usual notices were given to the parties and their authorised representatives have appeared. As stated by Shri Chaman Lal, Secretary of the Faridabad Engineering Workers Union, Regd, N.I.T., Faridabad, which had given the demand notice leading to the present reference, the workmen concerned do not want to proceed with the present reference on account of some settlement with the management. The authorised representative of the management has also stated that there is now no dispute left between the parties.

In view of the above, a no dispute award is made. There shall be no order as to costs.

O.P. SHARMA,

Dated 19th April, 1973.
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 433, dated the 19th April, 1973

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated 19th April, 1973.
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

The 1st/2nd May, 1973

No. 4443-4 Lab-73/17989.—In pursuance of the provisions of section 17 of the Industrial Dispute Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Auto Pins (India) Regd., Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 9 of 1973

between

Shri Shiv Charan workman and the management of M/s Auto Pins (India) Regd., Faridabad.
Present :—
 Nemo, for the workman.

Shri R.C. Sharma, for the management.

AWARD

The Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred for adjudication to this Tribunal the following dispute between the management of M/s Auto Pins (India) Regd., Faridabad and its workman Shri Shiv Charan,—*vide* order No. ID/FD/72/493, dated 5th January, 1973.

Whether the termination of services of Shri Shiv Charan was justified and in order ? If not, to what relief is he entitled ?

On receipt of the order of reference usual notices were given to the parties. The workman concerned has not appeared in person or through his authorised representative to pursue the claim in spite of service. He has not even filed any statement of claim. The plea raised on behalf of the management is that as a matter of fact this workman had absented himself from duty for more than 10 days continuously without any proper authorisation and his name had, therefore, been struck off the rolls as per standing orders of the company.

In support of the above plea the management has examined the Personnel Officer Shri D.N. Ahuja, M.W. 1 who has deposed that in the month of June, 1971, a theft of 6/7 bundles of Leaves Springs in the factory had taken place and a report was lodged with the police and Shri Shiv Charan workman concerned was arrested in connection with that theft along with one Shri Babu Lal Cycle repairer. He has further deposed that after the said theft which had taken place on 12th June, 1971, this workman never reported for duty and he was marked absent from 13th June, 1971 to 4th July, 1971, when his name was struck off the rolls as per clause 9F of the certified standing orders, copy Exhibit M.W. 1/1, and intimation of the same was given to him,—*vide* letter copy Exhibit M.W. 1/2 sent to him under registered cover Exhibit M.W. 1/3 which was, however, received back undelivered as the addressee was not available. The witness has further stated that after this workman had absented himself from duty and his name had been struck off the rolls on account of loss of lien due to unauthorised absence, he had never approached the management nor given any demand notice with regard to the present dispute. The demand notice dated 23rd August, 1972, according to him was received only from the Conciliation Officer to whom the workman had also made a complaint on 28th July, 1972. Exhibit M.W. 1/5 and the management had sent the reply dated August 1, 1972, Exhibit M.W. 1/6 intimating the aforesaid facts regarding his unauthorised absence from duty as a result whereof his name had to be struck off the rolls.

Taking into consideration the facts of the case as discussed above I am satisfied that the management had done nothing to terminate the services of this workman by way of punishment or otherwise and it is clearly a case of loss of lien on account of the conduct of the workman himself. He had been arrested in connection with the theft of some property in the factory but in spite of having been bailed out he had not reported for duty nor had he applied for leave. He was marked absent from 13th June, 1971 to 4th July, 1971 and when no explanation was forthcoming from him to explain this unauthorised absence from duty nor any indication that he really wanted to work in the factory. The management had no alternative but to strike his name off the rolls as per the standing orders of the company referred to above, his services in fact automatically stood terminated and he had clearly lost his lien on the post on account of his absence from duty without any proper authorisation. It will not be out of place to mention here that the demand in question had not even been raised properly direct on the management before taking up the matter for conciliation.

In the circumstances of the case discussed above, no industrial dispute within the meaning of the law exists between the parties and the workman concerned is not entitled to any relief by way of reinstatement or payment of back wages. The award is made accordingly. There shall, however, be no order as to costs.

Dated the 19th April 1, 1973.

O.P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 430, dated 19th April, 1973.

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 19th April, 1973.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad.

The 2nd May, 1973

No. 4444-4 Lab-73/17982.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and the management of M/s Shankar Textile Mills, plot-No. 112, Sector-6, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL.

HARYANA, FARIDABAD
Reference No. 62 of 1972

between

THE WORKMEN AND THE MANAGEMENT OF M/S. SHANKAR TEXTILE MILLS.
PLOT NO. 112, SECTOR-6, FARIDABAD.

Presents :—

Shri Chaman Lal Oberoi for the workmen.
Shri H. R. Dua for the management.

AWARD

The following dispute between the management of M/s. Shankar Textile Mills, Plot No. 112, Sector-6, Faridabad and its workmen list given below was referred for adjudication to this Tribunal by the Governor of Haryana,—*vide* order No. ID/FD/779-A-72/16346, dated 3rd October, 1972, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of workers (list given below) was justified and in order ?
If not, to what relief are they entitled ?

Usual notices were given to the parties and their authorised representatives have appeared. It has been stated on both sides that the factory has since been closed. There is now no dispute left between the parties. According to the statement of Shri Chaman Lal Oberoi, Secretary, Textile Mazdoor Union Regd. Faridabad which had given the demand notice leading to the present reference. The workmen concerned are not interested in the dispute and he has no instructions from them to proceed with the reference.

In view of the above, a no dispute award is made. There shall be no order as to costs.

O. P. SHARMA.

Dated 19th April, 1973.

Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad.

No. 429, dated 19th April, 1973

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA.

Dated 19th April, 1973.

Presiding Officer,
Industrial Tribunal, Haryana.
Faridabad.

LIST OF THE WORKERS WHOSE SERVICES WERE TERMINATED BY THE MANAGEMENT

Name

1. Bhagwanti Parshad
2. Satish Kumar
3. Mohan Lal
4. Shiv Shankar Chohan
5. Bhag Chand
6. Padam Singh
7. Ghambani
8. Amar Jit Tiwari
9. Lal Chand
10. Panne Lal

11. Mewa Lal
12. Vansh Narayan Singh
13. Ramesh Chand
14. Jawahar Lal
15. Nand Lal
16. Ram Avtar
17. Balbir Singh
18. Ram Jit Pandey
19. Ram Dayal
20. Chhidhi Singh
21. Shiv Lal
22. Shiv Pujan
23. Chander Pat
24. Kaleshwar
25. Jagan Nath